

Healthy, Active Students LEARN Better!

ACTION BASED LEARNING™

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JAN 26 2006

FAX to:

Allana Lewin

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571-273-8300

Date:

1-26-06

of Pages 29

RE:

Patent application 10/824,963

Message:

Submittal of response to Notice of Non-Compliant Amendment / application 10/824,963.

- Brain research supports physical activity
- Movement enhances Learning
- Students who exercise do better in school
- Exercise grows new brain cells

PTO/SB/21 (09-04)
Approved for use through 07/31/2009. OAS 0681-0001
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM		Application Number <u>10/824,963</u>
(to be used for all correspondence after initial filing)		Filing Date <u>April 15, 2004</u>
Total Number of Pages in This Submission <u>13</u>		First Named Inventor <u>Stephen J. Madigan</u>
		Art Unit <u>3764</u>
		Examiner Name <u>Allana Lewin</u>
		Attorney Docket Number <u>Madigan-1000</u>

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): First 10 pages of Amendment A to First Office Action, including claims, and copy of Patent Office communication.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<u>Stephen Joseph Madigan</u>		
Printed name	Stephen Joseph Madigan		
Date	January 26, 2006	Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<u>Stephen Joseph Madigan</u>		
Typed or printed name	Stephen Joseph Madigan	Date	January 26, 2006

This collection of information is required by 37 CFR 1.5. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the burden of this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FSES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In The United States Patent and Trademark Office

Application Number: 10/824,963
Application Filed: 2004 April 15
Applicants: Stephen J. Madigan, Jean Blaydes Madigan, Larry E. Hess,
Cynthia A. Hess
Application Title: Educational Tracks and Apparatuses
Examiner/GAU: Allana Lewin/3764

Mailed: January 13, 2006

At: 232 Zachary Walk, Murphy, TX 75094

Amendment A to First Office Action

Commissioner for Patents
Washington, District of Columbia 20231

Sir:

In response to the Office Letter mailed October 21, 2005, please amend the above application, originally filed April 15, 2004, and amended August 15, 2005, as follows:

Drawings: Applicants have corrected Figure 1 in accordance with the examiner's recommendation. Figure 1 has been designated "Prior Art" and the replacement sheet has been labeled "Replacement Sheet" in the header. The corrected drawing is attached to this Amendment A.